

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA et al,

Case No. 23-CV-3009 (JRT/JFD)

Plaintiffs,

v.

**ORDER ON MOTION TO
COMPEL**

AGRI STATS, INC.,

Defendant.

This matter is before the Court on Agri Stats’ Motion to Compel Plaintiffs to Respond to Agri Stats’ Interrogatory No. 5. (Dkt. No. 141.) The Court heard oral argument on the Motion on February 6, 2025. Justin Bernick argued on behalf of Agri Stats, while Mark Sosnowsky argued for the Plaintiffs. (Hr’g Mins., Dkt. No. 210 (listing all appearances of counsel).) After hearing oral argument and studying the parties’ briefs, the Court denies the motion because the response already provided by the Plaintiffs is sufficient.

Agri Stats’ Interrogatory No. 5 asks Plaintiffs to “Identify each specific data field or column in any Agri Stats or EMI reports that you contend contain competitively sensitive information, the disclosure of which you contend has resulted or will result in harm to competition or consumers.” (Ex. 2 to Justin Bernick Decl. in Supp. 12, Dkt. No. 191.) Agri Stats characterizes Plaintiffs’ refusal to specifically identify the data at issue as “sandbag[ging]” and an attempt to run out the discovery clock before Agri Stats can conduct adequate discovery on those specific data fields or columns. (Mem. in Supp. 2,

Dkt. No. 186.) Plaintiffs argue that their allegations that Agri Stats and its co-conspirators have exchanged competitively sensitive information transcends the bounds of specific data points, making identification of specific problematic data fields or columns impossible. (Mem. in Opp. 2, Dkt. No. 200.) Plaintiffs have provided a response to the interrogatory that consists of over two pages explaining its position that “certain Agri Stats information can be used in conjunction with other Agri Stats information to provide competitively sensitive insight into competitor operations.” (Ex. 2 to Justin Bernick Decl. in Supp. 12, Dkt. No. 191.) This response aligns with Plaintiffs’ position, expressed at oral argument on this motion in response to a question from the Court, that under the right circumstances, any of the information provided in Agri Stats’ reports can have anti-competitive effects and pose a problem under the antitrust laws.

Because the answer provided in Plaintiffs’ original response to Agri Stats’s Interrogatory No. 5 is adequately responsive, (Ex. 2 to Justin Bernick Decl. in Supp. 12–14, Dkt. No. 191) the motion is denied.

CONCLUSION

Accordingly, based on the foregoing and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT** Agri Stats’ Motion to Compel (Dkt. No. 141) is **DENIED** as set forth in this Order.

Date: February 19, 2024

s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge